

#20  
Petition  
3/21/05  
L. Chase



Docket No. SAR-12598A (MTKI-04-332A)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Hung-Ju LEE et al.

: GROUP ART UNIT: 2613

APPLICATION NO: 09/401,132

:

FILED: SEPTEMBER 22, 1999

: EXAMINER: BUGG, George A

FOR: APPARATUS AND METHOD FOR OBJECT BASED RATE CONTROL IN A  
CODING SYSTEM

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MAR 10 2005

OFFICE OF PETITIONS

I hereby certify that this document is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 24, 2005.

By:

*Cindy L. Custer*  
Cindy L. Custer

PETITION UNDER 37 C.F.R. 1.183

Mail Stop PETITION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

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2005 MAR 18 PM 1:38  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

In the interests of justice, Applicant's undersigned representative respectfully requests (1) suspension of the requirements of 37 C.F.R. 1.97 and (2) consideration of the information submitted with the enclosed Information Disclosure Statement. The facts are as follows:

1. On November 15, 2004, an Office Communication was issued by the European Patent Office in European Patent Application No. 98 934 312.4, corresponding to the above-identified U.S. application. See Exhibit A, attached hereto.

2. On January 28, 2005, files for both the above-identified U.S. application and the corresponding European Patent Application No. 98 934 312.4 were received in the undersigned's office. See the letter from Raymond A. Moser to the undersigned dated January 26, 2005, attached hereto as Exhibit B. The files are listed in the attachment to Mr. Moser's letter.

3. The two files in paragraph 3 were transferred to the undersigned's office as part of an overall transfer of 13 standard banker's boxes of files for various U.S. and foreign patents and patent applications. See the letters from Raymond A. Moser to the undersigned dated January 26, 2005, attached hereto as Exhibit C.

4. Between January 28, 2005, and February 2, 2005, the transferred files were inventoried by the undersigned's office. Beginning on or around February 4, 2005, matters in these transferred files were diligently addressed in due date order.

5. On February 14, 2005, I reviewed the transferred file corresponding to European Patent Application No. 98 934 312.4. I discovered that I did not have copies of the references cited in the Office Communication therein. See Exhibit D, attached hereto.

6. On February 18, 2005, I received copies of copies of the references cited in the Office Communication in European Patent Application No. 98 934 312.4. See Exhibit E, attached hereto.

7. On February 22-23, 2005, during a detailed review of the Office Communication in European Patent Application No. 98 934 312.4, the references cited therein, and the file for the above-identified U.S. application, I discovered that references D1, D3 and D4 cited in said Office Communication had not been cited in the above-identified U.S. application.

8. This Petition and the accompanying Information Disclosure Statement were promptly prepared and filed in response to this discovery, and copies of the references cited in the European patent application corresponding to the above-identified U.S. application were filed in the U.S. Patent and Trademark Office as quickly as possible under the circumstances.

Atty. Docket No. SAR-12598A (MTKI-04-332A)  
Serial No: 09/401,132

9. Fees under 37 C.F.R. 1.17(f) for filing this Petition and under 37 C.F.R. 1.17(p) for filing the accompanying Information Disclosure Statement are submitted herewith.

10. Consequently, in the interests of justice, Applicant's undersigned representative respectfully requests (1) suspension of the requirements of 37 C.F.R. 1.97 in the present application and (2) consideration of the information submitted with the enclosed Information Disclosure Statement.

11. Additional facts in support of this Petition may be provided on request.

12. Further, Petitioner sayeth not.

Early notice of any decision by the U.S. Patent and Trademark Office to grant the relief requested in paragraph 12 above is respectfully requested.

Respectfully submitted,



Andrew D. Fortney, Ph.D.  
Reg. No. 34,600

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Fresno, California 93720  
(559) 299 - 0128

EX: A



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Europäisches  
Patentamt

Generaldirektion 2

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Patent Office

Directorate General 2

Office européen  
des brevets

Direction Générale 2

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D. Young & Co.,  
21 New Fetter Lane  
London EC4A 1DA  
ROYAUME-UNI

SOUTHAMPTON

18 NOV 2004

MONEY	£
ORDER	
DIARY	15-3-05
REC'D (LONDON) 18 NOV 2004	
ANSO	
ENTRY	
FOR	RWP

Telephone numbers: Berlin sub-office

Primary Examiner  
(substantive examination) +49 30 25901-407

Formalities Officer / Assistant  
(Formalities and other matters) +49 30 25901-741



Application No. 98 934 312.4 - 1522	Ref. P008228EP BJM	Date 15.11.2004
Applicant Sarnoff Corporation		

#### Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).**



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HEISING G  
Primary Examiner  
for the Examining Division

Enclosure(s): 7 page/s reasons (Form 2906)

Datum  
Date 15.11.2004  
DateBlatt  
Sheet 1  
FeuilleAnmelde-Nr.:  
Application No.: 98 934 312.4  
Demande n°:

The examination is being carried out on the **following application documents**:

**Description, Pages**

1-23 as originally filed

**Claims, Numbers**

1-10 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

The following documents (D1-D4) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

*ESR* D1: VETRO A ET AL: "Joint rate control for coding multiple video objects" IEEE FIRST WORKSHOP ON MULTIMEDIA SIGNAL PROCESSING, 1997, PRINCETON, NJ, USA 23-25 JUNE 1997, NEW YORK, NY, USA, IEEE, US, 23 June 1997 (1997-06-23), pages 181-186, XP010233917, ISBN: 0-7803-3780-8

*ISR* D2: US-A-5 606 371 (KLEIN GUNNEWIEK REINIER B M ET AL) 25 February 1997 (1997-02-25)

*ESR* D3: "MPEG-4 VIDEO VERIFICATION MODEL VERSION 7.0" INTERNATIONAL ORGANIZATION FOR STANDARDIZATION - ORGANISATION INTERNATIONALE DE NORMALISATION, vol. N1642, April 1997 (1997-04), pages 1-271, XP000861690, BRISTOL, UK

*ESR* D4: J. RIBAS-CORBERA, S. LEI: "Rate Control for Low-Delay Video Communications" ITU-T, STUDY GROUP 16, VIDEO CODING EXPERTS GROUP, Q15-A-20r0, 24 June 1997 (1997-06-24), - 27 June 1997 (1997-06-27) pages 1-14, XP002284286, PORTLAND, US

1. The application does not meet the requirements of Article 84 EPC, because claims 1, 3, 4, 6, 9 and 10 are not clear.

1.1 The term "object" used in **claims 1 and 9** is vague and unclear and leaves the



reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 84 EPC). On page 4, lines 25-28 of the description the term is clearly defined. Since this is an essential feature the definition should be included in the independent claims 1 and 9:

1.2 Furthermore, the term "mean absolute differences (MAD) of said object" in **claims 3, 4 and 10** is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 84 EPC). It is not clear what the difference of an object is, since two values are needed to form a difference. On page 13, lines 26-28 the term is clearly defined. This precise definition of the feature should be included in the claims.

1.3 **Claims 4 and 6** are not supported by the description as required by Article 84 EPC, as their scope is broader than justified by the description and drawings. The reasons therefor are the following:

For the definition of the variables used in the formulas of said claims the indefinite article "a" is used instead of the definite article "the", thereby the range of possible values is increased compared to the description. The unclear passages are the following:

- Claim 4 "a number of said objects in the frame" versus description page 13, lines 21-22

- claim 6 "a remaining number of bits", "a number of remaining frames" and "a previous frame" versus description page 11, lines 15-18.

The claims should be amended to match the description.

2. Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of **claim 1, 2 and 5-9** is not new in the sense of Article 54(1) and (2) EPC, and therefore the requirements of Article 52(1) EPC are not met.

2.1 Document D1 discloses (abstract):

A method for allocating bits to encode each frame of an image sequence, each of said frame having at least one object, said method comprising the steps of:



- (a) determining a target frame bit rate for the frame; and
- (b) allocating said target frame bit rate among the at least one object.

In addition, the subject matter of claim 1 is disclosed in D2 (column 1, lines 5-15 and column 2, lines 8-11) and D3 (page 81, paragraph 3 - page 82 line 12, for the case of coding only one object, where the target frame bit rate is used for the target single video object bit rate) as well.

Thus, the subject-matter of **claim 1** is not new.

- 2.2 Since all the features of the dependent **claim 2** are also disclosed in D1 (abstract, lines 4-8), this claim is also not new:

The method of claim 1, wherein said allocating step (b) comprises the step of allocating said target frame bit rate in accordance with a target object bit rate for the at least one object.

- 2.3 Since all the features of the dependent **claim 5** are also disclosed in D1 (page 184 lines 3-13, wherein the frame target and with it the derived object targets are adjusted), this claim is also not new:

The method of claim 2, wherein said target object bit rate is adjusted in accordance with a measure of a buffer fullness.

- 2.4 Since all the features of the dependent **claim 6** are disclosed in D3 (page 82, line 1 - page 83, last line but one; especially line 21, where the same formula is employed in case the result is above the lower bound "Rs/30"), this claim is also not new:

The method of claim 1, wherein said target frame bit rate,  $T_{frame}$ , is derived in accordance with:

$$T_{frame} = R/N_f * (1 - \text{past\_percent}) + T_{previousframe} * \text{past\_percent}$$

where R is a remaining number of bits for the image sequence,  $N_f$  is a number of remaining frames in the image sequence,  $T_{previousframe}$  is a number of bits used for encoding a previous frame, and past\_percent is a constant.

- 2.5 Since all the features of the dependent **claim 7** are also disclosed in D1 (page





185, lines 28-30, wherein the syntax information is implicitly included, since it is always part of a valid MPEG bitstream), this claim is also not new:

The method of claim 2, wherein said target object bit rate is allocated to code a syntax information, a motion information, and a shape information of the object.

- 2.6 Since all the features of the dependent **claim 8** are also disclosed in D1 (abstract, lines 6-8), this claim is also not new:

The method of claim 2, further comprising the step of:  
generating a quantizer scale for said at least one object in accordance with said target object bit rate.

- 2.7 Since all the features of the independent apparatus **claim 9** are also disclosed in D1 (abstract, wherein the motion compensator, transform module and quantizer are implicitly mentioned, since they are part of the MPEG-4 video verification model employed in D1, (see also D3)), this claim is also not new:

Apparatus for encoding each frame of an image sequence, said frame having at least one object, said apparatus comprising:  
a motion compensator for generating a predicted image of a current frame;  
a transform module for applying a transformation to a difference signal between the current frame and said predicted image, where said transformation produces a plurality of coefficients;  
a quantizer for quantizing said plurality of coefficients with at least one quantizer scale; and  
a controller for selectively adjusting said at least one quantizer scale for a current frame in response to a target object bit rate for the at least one object.

3. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 3, 4 and 10** does not involve an inventive step in the sense of Article 56 EPC.

- 3.1 Document D1, which is considered to represent the most relevant state of the art, discloses:



a method of claim 2, wherein said target object bit rate for the at least one object is selected in accordance with a variance of said object (D1: page 184, lines 13-18 with equation 7),

from which the subject-matter of **claim 3** differs in that:

instead of the variance the mean absolute differences (MAD) is used.

The problem to be solved by the present invention may therefore be regarded as:

how to reduce the computational complexity for computing the distribution function for distributing the target frame bit rate among the objects.

To utilize the MAD instead of the variance is a well known means to simplify the computation of a pixel difference measure and it is used in the field of rate control (D4: page 3, line 15 - page 4, line 7, where it is proposed to employ the  $MAD^2$  instead of the variance  $\sigma^2$  in equation 3 for calculating a bitrate). Therefore this feature is a matter of normal design procedure and the skilled person would therefore include this feature in the method of D1 in order to solve the problem posed.

Therefore all features of claim 3 are known or obvious for a person skilled in the art in order to solve the problem and thus claim 3 does not meet the requirements of Article 52(1) EPC, because it's subject-matter does not involve an inventive step in the sense of Article 56 EPC.

- 3.2 Since dependent **claim 10** is the corresponding apparatus claim to method claim 3, adding the corresponding apparatus feature to the independent apparatus claim 9, for the same reasons as mentioned in section 3.1, claim 10 does not meet the requirements of Article 52(1) EPC, because it's subject-matter does not involve an inventive step in the sense of Article 56 EPC.
- 3.3 Furthermore, D1 discloses the additional feature of **claim 4**, i.e. the distribution of the frame target bitrate in accordance with the relative variance (or  $MAD^2$ ) of the respective object, as a special case of equation 7 on page 184. In D1 the frame target rate is the sum of the object targets (D1; page 184 lines 5-6) and the target "distribution is based on the size of the object, the motion it has undergone, and the variance with respect to other objects" (page 184, lines 13-15). Substituting in



equation 7 the variance with  $MAD^2$  is not inventive (see section 3.1 of this communication). When the weighting factor  $w_v$  is set to 1,  $w_m$  and  $w_s$  will become 0 and since the relative ratios of the variances ( $MAD^2$ ) will be used (page 184 lines 16-18) the target frame rate in D1 will be distributed according to the formula presented in claim 4. Setting the weights  $w_m$ ,  $w_s$  and  $w_v$  as stated above does not require an inventive step, since D1 suggests to give  $w_v$  the highest weighting under some circumstances, for example for high bit rate encoding (page 185, lines 1-5), with the highest possible weight for  $w_v$  being 1. Thus, claim 4 does not meet the requirements of Article 52(1) EPC, because its subject-matter does not involve an inventive step in the sense of Article 56 EPC.

4. In the following some minor deficiencies are listed which should be removed in case the applicant files an amendment.
- 4.1 According to the Guidelines, C-II, 4.18 incorporation of subject matter by reference to the content of a whole document is not allowed.  
Thus, the applicant is requested to remove the incorporations in references in the description on page 1 line 4-6.
- 4.2 The vague and imprecise statement in the description on page 23 line 1-2 "... spirit ... of invention) implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity of the claims (Article 84 EPC) when used to interpret them (see the Guidelines, C-III, 4.3a). This statement should therefore be amended to remove this inconsistency.
- 4.3 All variables should be defined in the first claim they appear. In the current set of claims " $T_{frame}$ " is used in claim 4 but first defined in claim 6.
5. With respect to the available prior art, it is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Thus, the applicants should expect a refusal of the application under Article 97(1) EPC at the next procedural step.

Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed.

**Bescheld/Protokoll (Anlage)**

Datum  
Date 15.11.2004  
Date

**Communication/Minutes (Annex)**

Blatt  
Sheet 7  
Feuille

**Notification/Procès-verbal (Annexe)**

Anmelde-Nr.:  
Application No.: 98 934 312.4  
Demande n°:

When filing new claims the above comments should be taken into account.

The letter of reply shall indicate the difference of the subject-matter of the new claims vis-à-vis the state of the art and the significance thereof.

Where replacement pages are filed the applicant or patent proprietor should, in the interest of procedural efficiency, identify clearly all amendments made, and indicate on which passages of the original application these amendments are based (Guidelines E-II.1).

The two-part form should be used for the independent claims in accordance with Rule 29(1) EPC. Those features known in combination from the prior art should be placed in the preamble (Rule 29(1)(a) EPC) and with the remaining features being included in the characterising part (Rule 29(1)(b) EPC).

The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).

EX. B

MOSER  
PATTERSON &  
SHERIDAN, LLP

ATTORNEYS AT LAW

January 26, 2005

By Federal Express

The Law Offices of Andrew D. Fortney, Ph.D., P.C.  
7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

In accordance with instructions received from Sarnoff Corporation, we are forwarding you the patent files listed on the enclosed attachment.

BOX # 1

To confirm receipt of these files, please execute the bottom of this letter and return the letter and attachment to me for our records.

If you have any questions regarding this matter, please contact me at your earliest convenience.

Very truly yours,

  
RAYMOND R. MOSER JR.

I, Drew Fortney, Esq., confirm receipt of the above-identified patent files and accept full responsibility for these files.

\_\_\_\_\_  
Drew Fortney, Esq.

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Palo Alto, CA 94306-1550

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JAN 28 2005

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**Sarnoff Corporation**  
**Files Transferred to MediaTek**  
**January 2005**

*Bx 1*

Files Contained Herein	Case No.	Title	Application No.	Status
✓	12545	Apparatus and Method for Performing Scalable Hierarchical Motion Estimation	09/106,706	Issued 6,208,692
✓	12545 PCT	Apparatus and Method for Performing Scalable Hierarchical Motion Estimation	PCT/US98/27543	
✓	12545 China		98812628.1	Filed
✓	12545 EP		98964302.8	Filed
✓	12545 JP		2000-526903	Petition for Exam. due 12/2005
✓	12545 S. Korea		10-2000-7007344	Filed
✓	12598 PCT	Apparatus and Method for Object Based Rate Control in a Coding System	PCT/US98/14131	
✓	12598 Canada		2,295,689	Filed
✓	12598	Apparatus and Method for Object-Based Rate Control in a Coding System	09/094,645	Issued 6,023,296
✓	12598 A	Apparatus and Method for Object-Based Rate Control in a Coding System	09/401,132	Filed
✓	12598 China		99807064.2	Filed
✓	12598 EP		98934312.4	Filed
✓	12598 Japan		2000-502636	Filed – Req. for Examination due 7/9/05

EX. C



**MOSER  
PATTERSON &  
SHERIDAN, LLP**

ATTORNEYS AT LAW

January 26, 2005

By Federal Express

The Law Offices of Andrew D. Fortney, Ph.D., P.C.  
7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

In accordance with instructions received from Sarnoff Corporation, we are forwarding you the patent files listed on the enclosed attachment.

BOX # 2

To confirm receipt of these files, please execute the bottom of this letter and return the letter and attachment to me for our records.

If you have any questions regarding this matter, please contact me at your earliest convenience.

Very truly yours,

  
RAYMOND R. MOSER JR.

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\_\_\_\_\_  
Drew Fortney, Esq.

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JAN 28 2005

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**MOSE**  
**PATTERSON &**  
**SHERIDAN, LLP**

ATTORNEYS AT LAW

January 26, 2005

By Federal Express

The Law Offices of Andrew D. Fortney, Ph.D., P.C.  
7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

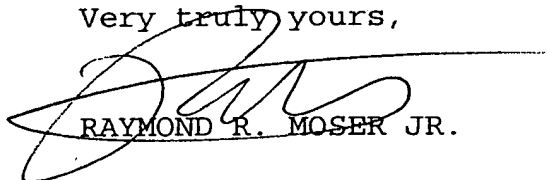
In accordance with instructions received from Sarnoff Corporation, we are forwarding you the patent files listed on the enclosed attachment.

BOX # 3

To confirm receipt of these files, please execute the bottom of this letter and return the letter and attachment to me for our records.

If you have any questions regarding this matter, please contact me at your earliest convenience.

Very truly yours,



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January 26, 2005

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The Law Offices of Andrew D. Fortney, Ph.D., P.C.  
7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

In accordance with instructions received from Sarnoff Corporation, we are forwarding you the patent files listed on the enclosed attachment.

BOX # 4

To confirm receipt of these files, please execute the bottom of this letter and return the letter and attachment to me for our records.

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Very truly yours,

  
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\_\_\_\_\_  
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PATTERSON &  
SHERIDAN, LLP**

ATTORNEYS AT LAW

January 26, 2005

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7257 N. Maple Avenue, Bldg. D., #107  
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Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

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Dear Mr. Fortney:

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BOX # 5

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\_\_\_\_\_  
Drew Fortney, Esq.

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**MOSER  
PATTERSON &  
SHERIDAN, LLP**

ATTORNEYS AT LAW

January 26, 2005

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The Law Offices of Andrew D. Fortney, Ph.D., P.C.  
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Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

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BOX # 6

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\_\_\_\_\_  
Drew Fortney, Esq.

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PATTERSON &  
SHERIDAN, LLP**

ATTORNEYS AT LAW

January 26, 2005

By Federal Express

The Law Offices of Andrew D. Fortney, Ph.D., P.C.  
7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

In accordance with instructions received from Sarnoff Corporation, we are forwarding you the patent files listed on the enclosed attachment.

BOX # 7

To confirm receipt of these files, please execute the bottom of this letter and return the letter and attachment to me for our records.

If you have any questions regarding this matter, please contact me at your earliest convenience.

Very truly yours,

  
RAYMOND R. MOSER JR.

I, Drew Fortney, Esq., confirm receipt of the above-identified patent files and accept full responsibility for these files.

\_\_\_\_\_  
Drew Fortney, Esq.

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7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

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BOX # 8

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\_\_\_\_\_  
Drew Fortney, Esq.

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7257 N. Maple Avenue, Bldg. D., #107  
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Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

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BOX # 9

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ATTORNEYS AT LAW

January 26, 2005

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The Law Offices of Andrew D. Fortney, Ph.D., P.C.  
7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

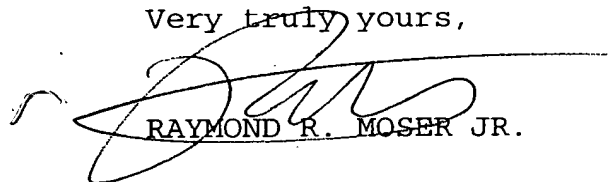
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BOX # 10

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7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

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BOX # 11

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January 26, 2005

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7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

Dear Mr. Fortney:

In accordance with instructions received from Sarnoff Corporation, we are forwarding you the patent files listed on the enclosed attachment.

BOX # 12

To confirm receipt of these files, please execute the bottom of this letter and return the letter and attachment to me for our records.

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7257 N. Maple Avenue, Bldg. D., #107  
Fresno, CA 93720

Attention: Drew Fortney, Esq.

Re: MediaTek File Transfer

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BOX # 13

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EX. C

THE LAW OFFICES OF  
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February 14, 2005

Mr. Richard Pratt  
D Young & Co  
Briton House  
Briton Street  
Southampton SO14 3EB  
Hampshire, England  
Fax: 011-44-20 7269 8555

RE: European Patent Appl. No. 98934312.4  
**Your Ref: P008228EP RWP LML**  
My ref: SAR 12598 EP

Dear Mr. Pratt:

As you may recall, I have been given some responsibility for the above-identified application by MediaTek Inc., who acquired the application from Sarnoff Corp. I have reviewed the Office Communication, but I do not have copies of any of the references D1, D3 or D4 cited and relied on therein. If you have copies of those references, can you please send me a copy at your earliest convenience?

Thank you for your assistance, understanding and cooperation. Please call me at the office number provided above if there is anything I can do for you, and I will do my best to assist you in any way that I can.

Sincerely,



Andrew D. Fortney, Ph.D.  
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.

ADF:adf

**CONFIDENTIAL COMMUNICATION – SUBJECT TO ATTORNEY-CLIENT  
PRIVILEGE AND/OR THE ATTORNEY WORK PRODUCT DOCTRINE**

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MILES HAINES \*  
JONATHAN DEVILE \*  
DAVID ALCOCK \*  
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KIT WONG \*

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**ADMINISTRATION**  
KEITH TESTER (DIRECTOR OF OPERATIONS)  
DAVID SHARPE (PATENT AND DESIGN RECORDS  
AND RENEWALS)  
SHARON SEQUEIRA (TRADE MARK RECORDS  
AND RENEWALS)

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**D YOUNG & CO**

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**Fax to : 001 559 299 0118**  
**Confirmation by DHL with enclosures**

Mr Drew Fortney  
The Law Offices of  
Andrew D. Fortney, Ph.D., P.C.  
7257 N. Maple Avenue  
Bldg D. #107  
Fresno  
CA 93720  
United States of America

Our Ref: P008228EP RWP LML  
Your Ref: SAR 12598 EP

**CONFIRMATION**

16 February 2005

Dear Mr Fortney

**European Patent Application No. 98934312.4**  
**Regional Phase of PCT/US98/14131**  
**"Apparatus and Method for Object Based Rate Control in a Coding System"**

Thank you for your letter dated 14 February 2005.

We enclose copies of documents D1, D3 and D4 with the confirmation copy of this letter.

Please do not hesitate to contact me if you need any further information.

Yours sincerely  
for D Young & Co

*R W Pratt*  
pp R W Pratt

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FEB 18 2005

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